

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

*In Re: American Medical Systems, Inc., Pelvic Repair System
Products Liability Litigation
MDL No. 2325*

Civil Action No. 2:18-cv-00256

SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for their Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2325 by reference.

Plaintiff(s) further show the court as follows:

1. Female Plaintiff

BONNIE L. SUMMERFIELD

2. Plaintiff Spouse

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

N/A

4. State of Residence

ARIZONA

5. District Court and Division in which venue would be proper absent direct filing

ARIZONA DISTRICT

-
6. Defendants (Check Defendants against whom Complaint is made):



A. American Medical Systems, Inc. ("AMS")

- ☐ B. Ethicon, Inc.
- ☐ C. Johnson & Johnson
- ☐ D. Boston Scientific Corporation
- ☐ E. C. R. Bard, Inc. (“Bard”)
- ☐ F. Sofradim Production SAS (“Sofradim”)
- ☐ G. Tissue Science Laboratories Limited (“TSL”)
- ☐ H. Mentor Worldwide LLC
- ☐ I. Coloplast Corp.
- ☐ J. Cook Incorporated
- ☐ K. Cook Biotech, Inc.
- ☐ L. Cook Medical, Inc.
- ☐ M. Desarrollo e Investigación Médica Aragonesa, S.L. (“DIMA”)
- ☐ N. Neomedic International, S.L.
- ☐ O. Neomedic Inc.
- ☐ P. Specialties Remeex International, S.L.

7. Basis of Jurisdiction

- ☒ Diversity of Citizenship
- ☐ Other:_____

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

PARAGRAPHS 11-13

B. Other allegations of jurisdiction and venue

N/A

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- ☐ A. Apogee;
 - ☐ B. Perigee;
 - ☐ C. MiniArc Sling;
 - ☒ D. Monarc Subfascial Hammock;
 - ☐ E. SPARC;
 - ☐ F. In-Fast;
 - ☐ G. BioArc;
 - ☐ H. Elevate;
 - ☐ I. Straight-In;
 - ☐ J. Other
-
-

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- ☐ A. Apogee;
- ☐ B. Perigee;
- ☐ C. MiniArc Sling;
- ☒ D. Monarc Subfascial Hammock;
- ☐ E. SPARC;

- ☐ F. In-Fast;
 - ☐ G. BioArc;
 - ☐ H. Elevate;
 - ☐ I. Straight-In;
 - ☐ J. Other;
-
-

10. Date of Implantation as to Each Product

MARCH 5, 2005

11. Hospital(s) where Plaintiff was implanted (including City and State)

PHOENIX BAPTIST HOSPITAL AND MEDICAL CENTER
2000 W BETHANY HOME RD
PHOENIX, AZ 85015

12. Implanting Surgeon(s)

MILES HOWARD, MD

13. Counts in the Master Complaint brought by Plaintiff(s)

- ☒ Count I - Negligence
- ☒ Count II – Strict Liability – Design Defect
- ☒ Count III – Strict Liability – Manufacturing Defect
- ☒ Count IV – Strict Liability – Failure to Warn
- ☒ Count V - Strict Liability – Defective Product
- ☒ Count VI - Breach of Express Warranty

- ☐ Count VII – Breach of Implied Warranty
- ☐ Count VIII – Fraudulent Concealment
- ☐ Count IX – Constructive Fraud
- ☒ Count X - Discovery Rule, Tolling and Fraudulent Concealment
- ☒ Count XI – Negligent Misrepresentation
- ☒ Count XII – Negligent Infliction of Emotional Distress
- ☒ Count XIII – Violation of Consumer Protection Laws
- ☒ Count XIV – Gross Negligence
- ☒ Count XV - Unjust Enrichment
- ☐ Count XVI - (By the Spouse) – Loss of Consortium
- ☒ Count XVII – Punitive Damages
- ☐ Other _____ (please state the facts supporting this Count in the space, immediately below)

Plaintiff hereby incorporates by reference, any and all other causes of action permissible under applicable state law, as though fully set forth herein._____

s/Thomas V. Ayala
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